IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 13526 of 2003

For Approval and Signature:

HON'BLE MR.JUSTICE A.R.DAVE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

PATEL SULEMAN YUSUF

Versus

UNION OF INDIA

Appearance:

1. Special Civil Application No. 13526 of 2003

MR CB DASTOOR for Petitioner No. 1

MR DN PATEL for Respondent No. 1

..... for Respondent No. 2

CORAM : HON'BLE MR.JUSTICE A.R.DAVE

Date of decision: 25/09/2003

ORAL JUDGEMENT

Rule. Service of rule is waived by learned

advocate Shri N.J. Shah appearing for Shri D.N. Patel, Sr. Standing Counsel. At the request of the learned advocates, the petition is finally heard today.

2. The grievance of the petitioner is that his date of birth was initially recorded incorrectly as 27.2.1974 in the passport, which was issued to him. Thereafter the petitioner has come to know that his correct date of birth is 28.3.1975 as recorded in the Register of Births and Deaths maintained under the provisions of Registration of Births and Deaths Act, 1969.

3. In the circumstances, the petitioner wants his correct date of birth to be recorded in the passport, which might be issued to him.

4. In pursuance of notice issued by this Court, learned advocate Shri N.J. Shah has approached and has submitted that on the basis of information given by the petitioner in the past, in the passport which had been issued to the petitioner it was stated that the petitioner was born on 27.2.1974. Now the petitioner has come with a different case. However, it has been submitted that if the petitioner submits an application for making corrections, his application will be looked into and after considering the evidence adduced by the petitioner, if the authority is satisfied that the correct date of birth of the petitioner is 28.3.1975, a new passport stating the correct date of birth shall be issued to him.

5. In addition thereto, it has been submitted by learned advocate Shri Shah that in the certificate of birth, which has been annexed as Annexure 'A' to the petition, it has not been stated as to when the date of birth of the petitioner was recorded in the Birth Register. He has drawn my attention to col. 6 of the said certificate, which does not reveal the date on which the entry with regard to the date of birth of the petitioner has been recorded.

6. Learned advocate Shri Dastoor appearing for the petitioner has submitted that there might be a mistake on the part of the registering authority, whereby the date on which the date of birth was recorded has not been noted in the certificate. It has been submitted by him that the petitioner will approach the concerned authority so as to get another complete certificate and shall place the same before the passport authority for its consideration.

7. Looking to the facts of the case, the petitioner is directed to submit an application to the respondent authority with relevant documents and evidence to show that the petitioner was in fact born on 28.3.1975. If the authority is satisfied that the correct date of birth of the petitioner is 28.3.1975, I am sure that the authority shall issue a new passport recording correct date of birth.

6. In the instant case, only on account of incorrect information given by the petitioner to the respondent, the date of birth was recorded as 27.2.1974. The respondent authority will have to issue a new passport if it is found that the date of birth stated by the petitioner while applying for his passport was incorrect. The respondent authority will be put to difficulties because of a mistake committed by the petitioner and therefore the petitioner is directed to pay a sum of Rs.5,000/- by way of costs to the respondent.

7. In view of the above direction, the petition stands disposed of as allowed. Rule is made absolute to the above extent. D.S. permitted.

(A.R. Dave, J.)

(hn)